

**SUNRISE, FLORIDA**

**ORDINANCE NO. 242-08-A**

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING CHAPTER 15 "UTILITIES", ARTICLE IV "RATES AND CHARGES AND BILLING PROCEDURE", SECTION 15-120 "SCHEDULE D, STORMWATER RATES AND CHARGES", OF THE CITY CODE, RELATING TO STORMWATER UTILITY CHARGES AND PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is authorized by the Florida Constitution and the provisions of Florida Statutes, Chapter 166 and Chapter 403, to create a stormwater utility to plan, construct, operate and maintain a city wide stormwater system, and it issue revenue bonds and other debts if needed to finance in whole or part the cost of such system and to establish just and equitable rates, fees, and charges for the services and facilities provided by the system; and

WHEREAS, the City's stormwater utility has identified essential capital enhancement and operational needs, with the current stormwater revenues being insufficient to fund these needs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Chapter 15 "UTILITIES", Article IV "RATES AND CHARGES AND BILLING PROCEDURE", Section 15-120 of the City Code is amended to read:

**Sec. 15-120. Schedule D, stormwater rates and charges.**

\* \* \*

- (b) Effective October 1, 2008, tThe following monthly rate shall apply to residential and nonresidential developed property:

\$3.25 x number of dwelling units per equivalent residential unit (ERU).

- (c) Effective October 1, 2009, tThe following monthly rate shall apply to residential and nonresidential developed property:

\$3.25 \$4.55 per equivalent residential unit (ERU) \$2.32.

(d) Beginning on October 1, 2008, and on each October 1 thereafter, the stormwater rates and charges shall be adjusted to reflect the cost of doing business, measured by fluctuation in the Consumer Price Index (CPI) (All Urban Consumers, Miami-Fort Lauderdale, Florida) as published by the U.S. Department of Labor, Bureau of Labor Statistics or its successor agency based on the percentage change in the CPI from the previous June to June of the year in which the adjustment is effected. The rate schedule shall be adjusted annually, unless otherwise amended by an action of the city commission. It shall not be necessary to amend this article, or any part thereof by ordinance or resolution, nor to cause publication or conduct a public hearing prior to the annual adjustment of the rate schedule pursuant to this subsection. The annual adjustment for stormwater rates as authorized above shall be kept on file in the city clerk's office. Any amendments to the rate

schedule not provided for in this section shall be approved pursuant to section 15-116.

Section 2. Effective Date. This Resolution shall be effective for all billing cycles with the first rate increase commencing October 1, 2008, and the second rate increase commencing October 1, 2009. These adjustments would increase from \$0.93 and \$1.30 per month per ERU respectively, thereby providing additional funding for capital enhancements.

Section 3. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 5. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this 22ND DAY OF JULY, 2008.

PASSED AND ADOPTED upon this second reading this 27TH DAY  
OF AUGUST, 2008.

\_\_\_\_\_  
Mayor Steven B. Feren

Authentication:

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Felicia M. Bravo  
City Clerk

FIRST READING

MOTION: ROSEN  
SECOND: ALU

ALU: YEA  
ROSEN: YEA  
SCUOTTO: YEA  
WISHNER: YEA  
FEREN: YEA

SECOND READING

MOTION: ROSEN  
SECOND: WISHNER

ALU: ABSENT  
ROSEN: YEA  
SCUOTTO: ABSENT  
WISHNER: YEA  
FEREN: YEA

Approved by the City Attorney  
As to Form and Legal Sufficiency.

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Stuart R. Michelson